IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2132 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SWAMY GNANESHWAR EDUCATION TRUST

Versus

STATE OF GUJARAT

Appearance:

MR AJ SHASTRI for Petitioner

MR AD OZA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/04/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Reply to the special civil application has not been filed by respondents. The petitioner in the special

civil application is making grievance that the respondents, despite of granting permission for standard XI & XII in general stream are not giving grant-in-aid to the petitioner from the date of completion of five years from 15th July 1988 or from the year 1990.

#. The learned counsel for the petitioner submitted that this approach of the respondents is wholly contrary to the decision of this court in the case of Navchetan Education Trust v. State of Gujarat given in special civil application No.6152 of 1995 on 8.4.96 (Coram: Mr.Justice N.N.Mathur) and in the case of Naranbhai J.Patel and anr. v. State of Gujarat and ors. in special civil application No.7244 of 1989 decided on 28th December 1993 (Corm: Mr.Justice R.K.Abichandani). It has further been contended that the Government Circulars also have not been properly applied in this case.

#. In the absence of reply to the special civil application, the learned counsel for the respondents also is unable to effectively defend this writ petition. However, it is given out by learned counsel for respondents that the petitioner may submit a detailed representation in respect of the grievances made in this special civil application to the State of Gujarat, i.e. the Secretary concerned and in case such representation is made, the matter shall be decided after considering the relevant circulars as well as decision of this court on which reliance has been placed by learned counsel for the petitioner. This course suggested by learned counsel for the respondents to the court seems to be just and reasonable and it has to be accepted.

#. In the result, this special civil application is disposed of in the terms that the petitioner is free to make a representation in respect of grievances made in this special civil application to the Secretary, Department of Education, Sachivalaya, Gandhinagar, and the Secretary to decide this representation after hearing the petitioner's representative, if so desired, within a period of three months from the date of receipt thereof. In case the grievances made by petitioner are acceptable, then accordingly consequential benefits be granted to it and where the grievances are not acceptable, a reasoned order be passed and a copy of the same be sent to the petitioner. The petitioner is free to file fresh petition against that order, if it is so advised. Rule and special civil application stand disposed of accordingly with no order as to costs.

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(sunil)